



Q) AF 14 2653.

Response under 37 C.F.R. § 1.116 - Expedited Procedure Examining Group 2653

**PATENT** 

ATTORNEY DOCKET NO.: 041514-5105

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	applicati	ion of:		)		•	
Ikuya KIKUCHI, et al.			)	Confirmation No	.: 8572		
Application No.: 09/765,306			)	Group Art Unit:	2653		
Filed:	Januar	y 22, 20	001	)	Examiner: K. Ch	ıu	
For:	INFOR	RMATI	CKUP APPARATUS AND ON RECORDING AND/OR NG APPARATUS	) ) )	Mail Stop AF	RECEIVED	
Commissioner for Patents U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, Mail Stop AF Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202						JUL 2 1 2004 Technology Center 2600	
Sir:  NOTICE OF APPEAL TO THE BOARD OF  PATENT APPEALS AND INTERFERENCES							
	Applicants hereby appeal to the Board of Patent Appeals and Interferences from the						
decision of the Examiner dated January 16, 2004 finally rejecting claims 1-8.							
1.	Extens	Extension of Time					
	The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.						
	Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of						
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$\boxtimes$	Applicants request an extension of time, the fees for which are set out in
	37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
one month two months	\$ 110.00 \$ 420.00	\$ 55.00 \$ 210.00
three months	\$ 950.00	\$ 475.00
four months	\$ 1,480.00	\$ 740.00

An extension for <u>two</u> months has already been secured on June 16, 2004 in this application. Accordingly, please charge Deposit Account No. 50-0310 in the amount of \$530.00 for the extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

- 2. Notice of Appeal Fee 37 C.F.R. § 1.17(b)
  - The Commissioner is authorized to charge the appeal fee of \$330.00 to Deposit Account No. 50-0310.
- 3. Response filed on June 16, 2004
  - Applicants note that a Response was filed in this Application on June 16, 2004. However, an Office Communication has not yet issued in response to that filing. Applicants await a USPTO Office Communication in this regard.
- 4. Fee Payment
  - The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$860.00 (for the extension of time fee in the amount of \$530 and for the Notice of Appeal fee of \$330).

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## 5. Constructive Petition

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).

By:

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 15, 2004

Victoria D. Hao

Registration No. 47,630

CUSTOMER NO. 009629 MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Tel: 202.739.3000 Fax.: 202.739.3100